

# **Exhibit D**



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July 30, 2014

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**AND REGULAR MAIL**

Joseph R. Lang, Esquire

**LENOX SOCEY FORMIDONI**

**GIORDANO COOLEY LANG & CASEY**

3131 Princeton Pike -1B

Lawrenceville, NJ 08648

**Re: *Ramos v. New England Compounding Center, et al.***  
***Rivera v. New England Compounding Center, et al.***

Dear Mr. Lang:

Enclosed, please find the Affidavit of Merit of Lawrence Jay Winikur, M.D., regarding Nitesh Bhagat, M.D. for the above referenced matters.

Thank you for your attention to this matter.

Very truly yours,

SALTZ, MONGELUZZI, BARRETT & BENDESKY, P.C.

MICHAEL F. BARRETT  
MARY T. GIDARO

MFB/MTG/sd  
Enclosure

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:13-cv-10410-FDS

JOSE A RAMOS,

Plaintiff,

v.

UNIFIRST CORPORATION, A/D/B/A  
UNICLEAN CLEANROOM SERVICES,  
INSPIRA HEALTH NETWORK, INC.  
F/K/A SOUTH JERSEY HEALTH  
SYSTEM, INC.,  
INSPIRA MEDICAL CENTERS, INC.  
F/K/A SOUTH JERSEY HOSPITAL,  
INC.,

Defendants.

MDL No. 2419

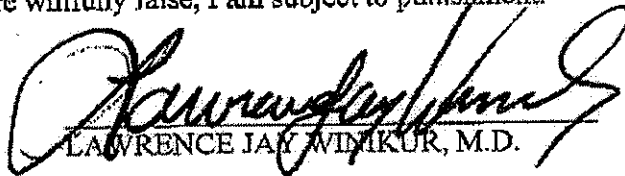
Master Docket No. 1:13-md-2419-FDS

AFFIDAVIT OF MERIT

Lawrence Jay Winikur, M.D., of full age, being duly sworn according to law, upon his oath, deposes and says:

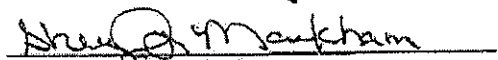
1. I am a physician currently licensed to practice medicine in Virginia.
2. I have been Board Certified in Anesthesiology and Pain Management for at least five years and have devoted the majority of my professional time for the year prior to 7/12/2012 to the active clinical practice of Anesthesiology and Pain Management which continues to the present.
3. In my opinion, there exists a reasonable probability that the care, skill, and knowledge exercised by Nitesh Bhagat, M.D., in the treatment and/or care of Jose A. Ramos fell outside the acceptable professional standards and practices.
4. I have no financial interest in the outcome of this litigation.

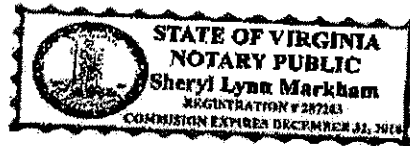
5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
LAWRENCE JAY WINIKUR, M.D.

Sworn to and subscribed before

me this 29 day of July, 2014.

  
NOTARY PUBLIC  
County of Pittsylvania



**NOTICE:**

If any defendant contends that this Affidavit of Merit fails to completely satisfy the requirements of the Affidavit of Merit Statute N.J.S.A. 2A:53A-26 et seq. and/or The New Jersey Medical Care Access and Responsibility and Patients First Act of 2004, N.J.S.A. 2A:53A-38 et seq. in any way, demand is hereby made that the defendant immediately notify the plaintiff of any such alleged deficiencies so that same may be corrected if necessary and within the time constraints of N.J.S.A. 2A:53A-26 et seq.

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:13-cv-10412-FDS

JUANITA M. RIVERA and  
ANTHONY RIVERA, w/h,

Plaintiffs,

v.

UNIFIRST CORPORATION, A/D/B/A  
UNICLEAN CLEANROOM SERVICES,  
PREMIER ORTHOPAEDIC AND  
SPORTS MEDICINE ASSOCIATES OF  
SOUTHERN NEW JERSEY, LLC  
A/T/A PREMIER ORTHOPAEDIC,  
PREMIER ORTHOPAEDIC  
ASSOCIATES SURGICAL CENTER,  
LLC,

Defendants.

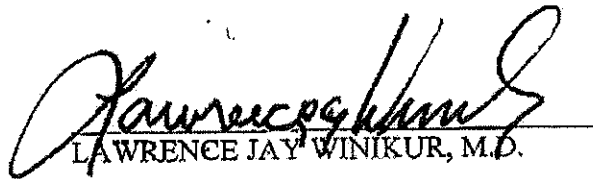
MDL No. 2419

Master Docket No. 1:13-md-2419-FDS

AFFIDAVIT OF MERIT

Lawrence Jay Winikur, M.D., of full age, being duly sworn according to law, upon his oath, deposes and says:

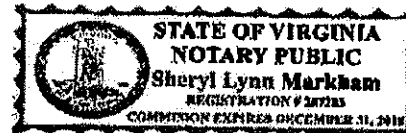
1. I am a physician currently licensed to practice medicine in Virginia.
2. I have been Board Certified in Anesthesiology and Pain Management for at least five years and have devoted the majority of my professional time for the year prior to 6/13/2012 to the active clinical practice of Anesthesiology and Pain Management which continues to the present.
3. In my opinion, there exists a reasonable probability that the care, skill, and knowledge exercised by Nitesh Bhagat, M.D., in the treatment and/or care of Juanita M. Rivera fell outside the acceptable professional standards and practices.
4. I have no financial interest in the outcome of this litigation.
5. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
LAWRENCE JAY WINIKUR, M.D.

Sworn to and subscribed before

me this 27 day of July, 2014.

Sheryl Lynn Markham  
NOTARY PUBLIC  
County of Pittsburgh



**NOTICE:**

If any defendant contends that this Affidavit of Merit fails to completely satisfy the requirements of the Affidavit of Merit Statute *N.J.S.A. 2A:53A-26 et seq.* and/or The New Jersey Medical Care Access and Responsibility and Patients First Act of 2004, *N.J.S.A. 2A:53A-38 et seq.* in any way, demand is hereby made that the defendant immediately notify the plaintiff of any such alleged deficiencies so that same may be corrected if necessary and within the time constraints of *N.J.S.A. 2A:53A-26 et seq.*